IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 189 OF 2005

Virendra Damodar Chogale ... Petitioner

V/s.

Brihanmumbai Municipal Corp. ... Respondents
and anr.

None for the petitioner.
Mr. Vinod Mahadik for the respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 6th October, 2006

P.C.

. When the matter is called out, none present for the petitioner. The petitioner was appointed as Junior Auditor and Accounts Assistant with the office of respondent No.1. The appointment appears to be against reserved post. The petitioner produced certificate i.e. belonging to Mahadev Koli, Scheduled Tribe. The Tribe Certificate of the petitioner referred to the Scrutiny Committee was invalidated. The petitioner preferred Writ Petition, which was withdrawn on 04.07.2003. In other words, the challenge to the order invalidating certificate became final. Subsequent to that a Charge-Sheet was issued to the petitioner on the ground of furnishing false Tribe Certificate. After due enquiry, Show Cause Notice was issued to the petitioner by Disciplinery

authority that he was satisfied that the charges levelled against the petitioner stood proved beyond doubt and accordingly imposed punishment of dismissal. This order is the subject matter of the present petition. Earlier motion was taken out being No. 426 of 2006 for restoring the petition, which was dismissed for non-removing office objections. The petition was restored.

2. Considering the law now settled by the Apex Court in cases where person obtains employment on the basis of false Tribe Certificate, appointment is nullity at law and such person can claim no right to the post.

3. In the light of that, we find no merits in this petition which is accordingly dismissed.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]